

HCS HB 634 -- DIVISION OF PROFESSIONAL REGISTRATION

SPONSOR: Burlison

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Professional Registration and Licensing by a vote of 12 to 1 with 1 present. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 7 to 3.

This bill establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration prior to January 1, 2016.

The bill specifies that an individual may engage in the occupation of his or her choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a compelling interest for the state to protect the general welfare. If an interest exists, the regulation adopted by the state must be the least restrictive type of regulation consistent with the public interest to be protected.

All bills introduced in the General Assembly to regulate an occupation or profession for the first time must be reviewed according to specified criteria.

After January 1, 2016, an applicant group must submit a written report explaining specified factors to the legislative committee of reference. Any legislative proposal that contains a continuing education requirement must be accompanied by an explanation of how the requirement could be effective for the profession addressed in the legislation.

These provisions cannot be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified, or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.

PROPONENTS: Supporters say that the government restricts people from entering into trade through professional licensing and the bill addresses the overly burdensome licensing requirements. These state licensing requirements limit competition under the pretense of consumer protection. Occupational licensing should be less restrictive provided it does not harm the public. By making it less restrictive, it would increase competition and reduce costs to

the consumer.

Testifying for the bill were Representative Burlison and Bruce Hillis.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that they are not sure that the bill only applies to new professions. If so, they do not have a problem with the bill.

Testifying on the bill were Missouri Association of Realtors and Missouri Society of Certified Public Accountants.